

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/040,509	03/17/98	KATZ	R 233-134

022249
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LM02/0628

EXAMINER

WOO, S

ART UNIT

PAPER NUMBER

2743

19

DATE MAILED: 06/28/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No. 09/040,509	Applicant Katz
Examiner Stella Woo	Group Art Unit 2743

Responsive to communication(s) filed on Apr 12, 2000

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle* 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

Claim(s) 29-40 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 29-40 is/are rejected.

Claim(s) _____ is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) _____

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

1. The request filed on April 12, 2000 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/040,509 is acceptable and a CPA has been established. An action on the CPA follows.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 29-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over the publication entitled "The AT&T Multi-Mode Voice Systems - Full Spectrum Solutions for Speech Processing Applications" (hereinafter "Hester") in view of Szlam et al. (USPN 4,797,911, hereinafter "Szlam").

Hester discloses a process including the steps of:

receiving said call data signals (DNIS; page 3, second paragraph);
providing verbal prompts (via voice response unit; Fig. 1);
receiving data (via Touch-Tone input or recognized voice input; page 1, second paragraph; page 2, last paragraph; page 6, Application Example);
providing a data base computer (host computer with customer database; page 3, third paragraph) including verification means (note credit card verification, sales order entry, etc.; page 1, first paragraph). Hester clearly provides for various applications in which data received

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from callers would have to be stored in an identifiable relationship to the callers, namely, reservations and sales order entry (page 1, first paragraph).

Hester differs from claims 29-35 in that it does not explicitly provide for updating callers' files. However, Szlam, from the same field of endeavor, teaches the desirability of storing an historical record for each calling customer (customer account information is stored in mainframe 16) and updating the customer's files for subsequent processing (col. 11, lines 10-28; col. 12, lines 29-66; col. 13, lines 22-42) such that it would have been obvious to an artisan of ordinary skill to incorporate such updating of files, as taught by Szlam, within the method of Hester in order to maintain current customer information, keep a record of each call and allow customers to change a previous order.

Regarding claim 32, note attendant line interface (Fig. 1).

4. Claims 36-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Hester and Szlam, and further in view of Barger, Jr. et al. (USPN 4,071,698, hereinafter "Barger").

The combination of Hester and Szlam differs from claims 36-42 in that it does not specify defining a limit on use. However, Barger teaches the desirability of defining a limit on the number of uses by identified callers in an interactive voice-telephony system (col. 11, lines 34-47) such that it would have been obvious to an artisan of ordinary skill to incorporate the limited use feature, as taught by Barger, within the combination of Hester and Szlam in order to prevent overuse by a single caller.

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Regarding claims 41 and 42, Szlam provides for identifying customers using ANI information (via ANI decoder 10a28).

5. Applicant's arguments with respect to claims 29-40 have been considered but are moot in view of the new ground(s) of rejection.

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

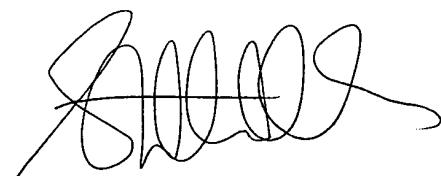
or faxed to:

(703) 308-6306 and (703) 308-6296.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella Woo whose telephone number is (703) 305-4395 and can normally be reached from 6:30 a.m. until 2:00 p.m. on Monday, Wednesday, Friday, and from 6:30 a.m. until 10:30 a.m. on Tuesday and Thursday.

June 26, 2000



STELLA WOO
PRIMARY EXAMINER